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it has been held, on the analogy of a similar appropriation by a partner, that he cannot be convicted. *McElroy v. People*, 202 Ill. 473. Other courts reach the opposite result by making the distinction that the partner receives for the firm of which he is a member, and hence for himself, whereas the agent receives for his principal. *People v. Civile*, 44 Hun (N. Y.) 497. But the agent is really a joint tenant of the sum. *State v. Kent*, 22 Minn. 41. And in general a joint tenant cannot steal or embezzle the *res*. See *State v. Kusnick*, 45 Oh. St. 535, 540. However, where it is composed of ordinarily separable articles, like a quantity of one-dollar bills, each person's share may be said to consist of a proportionate number of the articles rather than a proportionate interest in each article, and the difficulty of designating the exact objects in which the misappropriating party has no interest should not prevent conviction. 2 BISHOP, CRIM. L., §§ 370, 371.

EMINENT DOMAIN — COMPENSATION — EXPENSES FOR STATUTORY ALTERATIONS WHEN HIGHWAY OPENED ACROSS RAILWAY. — In an action to condemn a strip of land for a highway across the defendant's right of way, the defendant asked for compensation for the expense of making the alterations required by statute. *Held*, that the defendant is not entitled to such compensation. *City of Grafton v. St. Paul, M. & M. Ry. Co.*, 113 N. W. 598 (N. D.).

Several jurisdictions hold that a railroad should be compensated for the alterations made necessary by the opening of a highway crossing, though such alterations are required by police regulations. *Kansas Cent. R. R. Co. v. Board of County Commissioners*, 45 Kan. 716. There is an equal amount of authority, however, holding, in accord with the present case, that the railroad should not be compensated for alterations required by police regulations. *Chicago, Mil. & St. P. Ry. Co. v. City of Milwaukee*, 97 Wis. 418. These decisions seem unsound on principle, for the expense of the alterations is caused by the condemnation. When taking land by eminent domain imposes on the adjoining owners a statutory duty of erecting new fences, compensation for the fencing must be made. *Raleigh, etc., R. R. Co. v. Wicker*, 74 N. C. 220. But by holding arbitrarily that the railroad impliedly undertakes to make the changes necessitated by new highway crossings, the Supreme Court has denied the railroad compensation. *C., B. & Q. R. R. v. Chicago*, 166 U. S. 226. A statute in New York imposing this burden on railroads, and held constitutional as an exercise of the power of amending charters reserved to the legislature, effects the same result. *The Albany Northern R. R. Co. v. Brownell*, 24 N. Y. 345. Without such a provision it is submitted that the principal case should not be followed.

EQUITABLE CONVERSION — CONVERSION BY WILL PROVIDING FOR SALE AFTER TERMINATION OF PARTICULAR ESTATE. — A testator devised land to his wife for her life or widowhood, and directed that at her death or marriage it should be sold and the proceeds divided among their children. *Held*, that before the death or marriage of the widow, a son has an interest in the property attachable as realty. *Williams v. Lobban*, 104 S. W. 58 (Mo., Sup. Ct.).

When a testator by his will directs the sale of land at his death, and a distribution of the proceeds, the beneficiaries get no interest which can be attached as an interest in realty. *Brolasky v. Gally's Executors*, 51 Pa. St. 509. By the weight of authority, when the sale is not to be effected until a future time which is certain to arrive, such as a fixed date, or the termination of a life estate, the conversion takes place at the testator's death. *Handley v. Palmer*, 103 Fed. 39; *Lash v. Lash*, 209 Ill. 595. There are, however, a considerable number of cases which hold, in accord with the present decision, that the conversion occurs at the time appointed for the sale. *Savage v. Burnham*, 17 N. Y. 561. The majority view, however, seems correct. The conversion is due to the creation of a right to specific performance in equity; it should therefore take place when that right is created, and though it cannot be enforced until a later time, the right is created at the testator's death. See 18 HARV. L. REV. 266.